OCA consumer register

A supplement to Consumer News

Vol. 2, No. 10, Aug. 15, 1972

Speak up & be heard

CONSUMER REGISTER lists summaries of major consumer proposals before Federal agencies. If you wish to submit written comments, include your name & address, state the name & *Federal Register* citation of the proposal on which you are commenting and explain your views briefly & clearly.

Cottage cheese

New **Food & Drug Administration** regulations will govern the composition & labeling of cottage cheese manufactured after June 30, 1973.

Under the regulations, cottage cheese manufacturers will be required to label their products with a complete ingredients statement. Three consumers wrote to FDA to suggest complete ingredient labeling for cottage cheese while 2 industry comments suggested that cottage cheese manufacturers have the option either of listing all ingreidents or declaring only certain of the optional ingredients.

The regulations establish 3 types of cottage cheese:

—Products now labeled "creamed cottage cheese" will be called "cottage cheese." "Cottage cheese" will be a soft uncured cheese product prepared by mixing cottage cheese dry curd with a creaming mixture. Its milkfat content will be at least 4%; it will contain no more than 80% moisture.

—"Cottage cheese dry curd" will be the new name for what is now frequently called "cottage cheese". Dry curd products will be soft uncured cheese products with less than 0.5% milkfat & not more than 80% moisture.

—"Lowfat cottage cheese" will contain from 0.5% to 2% milkfat & not more than 82.5% moisture.

The 3 types of cottage cheese will be labeled with a statement of fat content.

FDA did not adopt suggestions to label lowfat cottage cheese with information on its caloric content, but FDA officials said that this information will be included as part of the agency's nutritional labeling program.

The cottage cheese regulations were proposed late in 1971 based on petitions to FDA from the Milk Industry Foundation, the N.Y. State Dept. of Agriculture & Markets & the Ohio Dept. of Agriculture. There were 80 comments on the proposal. Fifteen of the comments opposed the cottage cheese regulations for various reasons.

Details—CONSUMER NEWS: Dec. 15, 1971; *Federal Register:* June 30, page 12934.

Federal Register

Aug. 30 is deadline for comments on a proposal to require federal agencies to list in the *Federal Register* the precise due dates for comments on agency proposals.

The proposal from the **Administrative Committee of the Federal Register** is designed to eliminate confusion in computing comment dates. At present, most agency proposals are accompanied by a request for comments within 30 or 60 days from the date of publication in the *Federal Register*. This raises questions about which day to start counting from & whether the count should include Saturdays & Sundays. CONSUMER REGISTER specifies the exact calendar date when comments are due to avoid this confusion.

Details—*Federal Register:* July 27, page 15006. Send comments to the Director of the Federal Register, National Archives & Records Service, Washington, DC 20408.

Soft drink bottles

Sept. 9 is deadline for comments on a **Food & Drug Administration** proposal to allow soft drink bottlers to continue to use the returnable bottles they once used for sugar-free drinks containing cyclamates. The bottles are labeled "sugar-free" or "less than one calorie per bottle" even though the soft drinks manufactured now are probably not sugar free since FDA has banned the use of the artificial sweeteners cyclamates.

The proposal, based on a petition from the National Soft Drink Association, would allow mislabeled bottles to continue in use until they are phased out by natural attrition, a process that takes about 5 years from the time the bottles are first put on the market. Under present regulations, mislabeled bottles can be used until Oct. 1.

The NSDA petition noted the fact that the cyclamate labeled bottles have been used for 2 years & consumers appear to be aware that no products contain cyclamates.

FDA officials said manufacturers have on hand some $10 million worth of the cyclamate labeled bottles or some 100 million bottles. They say that the destruction of such a large number of bottles rather than phasing them out would do a great deal of environmental damage.

Under the FDA proposal, the mislabeled bottles would be used only (1) in cartons labeled with caloric and carbohydrate content and other information to show that the drinks are not sugar free or (2) in vending machines with the same information on the machine. In addition, the bottle caps must be labeled with the words "contains sugar" or "contains carbohydrates" & statements of caloric & carbohydrate content.

Details—*Federal Register:* July 11, page 13556. Send comments to the Hearing Clerk, Health, Education & Welfare Dept., 5600 Fishers Lane, Rockville, MD 20852.

Country style hams & pork

Sept. 11 is deadline for comments on an **Agriculture Dept.** proposal to establish uniform standards for hams & pork shoulders labeled "country" or "country style."

The proposal defines country or country style ham & pork as uncooked, cured & dried meat food products prepared with salt & one or more optional ingredients including various sugars or honey, black or red pepper & sodium or potassium nitrate or nitrite.

Under the proposal, the country or country style meats would be dry cured, have a salt content of at least

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4% throughout & the meat would shrink during processing at least 18% from the weight of raw uncured meat.

The department published its first proposed standards for these types of meat products in July 1971. There were 145 comments on the original proposal for making the terms "country" & "country style" interchangeable. Among other things, those who commented generally agreed that (1) a standard should be established for country meat products & (2) the terms "country" & "country style" should be used interchangeably to refer to product characteristics of the meats, not to the location where the meat is produced.

Agriculture's latest proposal reflects these 2 suggestions as well as others recommended by the consumers & industry officials who commented on the first proposal.

Details—*Federal Register:* July 13, page 13717. Send 2 copies of comments to the Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Italian sausage

Sept. 12 is deadline for responses to an Agriculture Dept. request for information about Italian sausage.

Agriculture officials have requested the information to have a basis for action on a petition from a sausage packer asking for approval of a label which describes his product as "Italian sausage." By law, a product can be described with the name of a country only when it is a distinctive style of product, a product that consumers identify with the country on the label.

Agriculture is looking for comments on whether there actually is a distinctive style of sausage recognized by consumers as "Italian sausage." If so, what are its characteristics?

Details—*Federal Register:* July 14, page 13803. Send comments to the Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Cents-off promotions

Sept. 13 is deadline for comments on a Food & Drug Administration proposal to amend its regulations governing cents-off, coupons & other price promotions of foods, drugs & cosmetics.

FDA's proposed amendment would allow a company to sponsor up to 6 savings promotions during a 12-month period. The proposal would allow no more than 3 promotions of the same type (no more than 3 cents-off promotions, bonus offers, 2-for-1 sales, 1-cent sales, etc.).

Also, under the proposed amendment, a company could not use a savings promotion on products it distributes to a specific geographic area until after a month has elapsed since the last distribution of that product under a savings promotion to the same geographic area.

The amendment would change FDA's present regulations, published December 1971, which limit the number of savings promotions on a single product in a geographic area to 3 during a year. The amendment, however, would be in line with the Federal Trade Commission rules governing price promotions on nonfood products.

The proposed amendment, like the original rule, is designed to make sure that price promotions really do represent savings from the regular price of products rather than false claims to lead consumers to believe they are saving money when they are actually paying the usual price.

Details—*Federal Register:* July 15, page 13998. Send comments to the Hearing Clerk, Health, Education & Welfare Dept., 5600 Fishers Lane, Rockville, MD 20852.

Poison prevention

Sept. 18 is deadline for comments on a Food & Drug Administration inquiry to determine which nonprescription drugs should require child-proof packaging.

At present, aspirin is the only nonprescription drug that comes under the special packaging standards. FDA regulations requiring child-proof packaging for aspirin and products that contain aspirin go into effect Aug. 14.

FDA officials say, however, that a significant number of children under 5 have needed hospitalization in recent years because they accidentally swallowed other nonprescription drugs.

FDA requests comments on the need for special packaging for nonprescription drugs and suggestions on which nonprescription drugs should be subject to the packaging standards. The child-protection requirements call for packaging that a sample of children under 5 cannot open 85% of the time but a panel of adults can open 90% of the time.

While the agency is developing legally enforceable standards, FDA officials have called on the pharmaceutical industry to use special packaging for nonprescription drugs where there is potential for hazard to children.

Details—*Federal Register:* June 20, page 12171. Send comments to the Hearing Clerk, Health, Education & Welfare Dept., 5600 Fishers Lane, Rockville, MD 20852.

Asbestos garments

After Sept. 24, most garments made of fabric that contains asbestos will be banned by Food & Drug Administration.

The order does not apply to household garments used for protection against fire (such as barbeque mitts) if the garments are made by a process that "locks in" the asbestos fibers so that the fibers are not inhaled by persons who use the garments.

Studies have shown that inhalation of asbestos fibers may cause various lung diseases, including cancer.

Details—*Federal Register:* July 26, page 14872.

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